

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TK POWER, INC.,

No. C-04-5098 EMC

Plaintiff,

v.

**ORDER RE FILING OF JURY
INSTRUCTIONS**

TEXTRON, INC.,

Defendant.

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The Court, having considered the joint and proposed jury instructions submitted by the parties, and having considered the applicable authorities and the argument of counsel at the further pretrial conference held on May 3, 2006, hereby files as attached its proposed jury instructions. The Court notes that counsel for Defendants have indicated Defendants are withdrawing their counterclaims for breach of contract, and that fact is reflected in the attached instructions. Textron/E-Z-GO shall file a formal dismissal of its counterclaims by 4:00 p.m., May 5, 2006. The parties shall have until 4:00 p.m., May 5, 2006 to file any objections thereto.

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1 The Court takes under submission the issue of whether the five jury instructions proposed by
2 Defendants on the UCC shall be given.

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4 IT IS SO ORDERED.

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6 Dated: May 5, 2006

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8 EDWARD M. CHEN
9 United States Magistrate Judge
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